

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

WILLIAM D. HOWARD

PLAINTIFF

V.

CASE NO. 07-CV-1003

MICHAEL J. ASTRUE, Commissioner of  
Social Security Administration

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation filed November 19, 2008, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 24). Judge Marschewski recommends granting Plaintiff's application for attorney's fees pursuant to 42 U.S.C. section 406(b) in the amount of \$8225.00 and directing Plaintiff's attorney to remit to the Plaintiff the smaller fee award to Plaintiff's attorney pursuant to the Equal Access to Justice Act in the amount of \$2735.94. No objections to the Report and Recommendation were filed, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts Judge Marschewski's Report and Recommendation *in toto*.

Plaintiff's application for attorney's fees is **GRANTED** in the amount of \$8225.00. Plaintiff's attorney is directed to remit to Plaintiff the smaller fee awarded to Plaintiff's attorney in the amount of \$2735.94.

**IT IS SO ORDERED**, this 11th day of December, 2008.

/s/ Harry F. Barnes  
Hon. Harry F. Barnes  
United States District Judge